

Exhibit 28

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY
BRANCH 1

STATE OF WISCONSIN,

PLAINTIFF,

JURY TRIAL

TRIAL - DAY 1

vs.

Case No. 05 CF 381

STEVEN A. AVERY,

DEFENDANT.

DATE: FEBRUARY 12, 2007

BEFORE: Hon. Patrick L. Willis
Circuit Court Judge

APPEARANCES: KENNETH R. KRATZ
Special Prosecutor
On behalf of the State of Wisconsin.

THOMAS J. FALLON
Special Prosecutor
On behalf of the State of Wisconsin.

NORMAN A. GAHN
Special Prosecutor
On behalf of the State of Wisconsin.

DEAN A. STRANG
Attorney at Law
On behalf of the Defendant.

JEROME F. BUTING
Attorney at Law
On behalf of the Defendant.

STEVEN A. AVERY
Defendant
Appeared in person.

TRANSCRIPT OF PROCEEDINGS

Reported by Diane Tesheneck, RPR

Official Court Reporter

1 Defendants are not required to prove
2 their innocence. The law presumes every person
3 charged with the commission of an offense to be
4 innocent. This presumption requires a finding of
5 not guilty unless in your deliberations you find
6 it is overcome by evidence which satisfies you,
7 beyond a reasonable doubt, that the defendant is
8 guilty. Mr. Strang, at this time you may begin.

9 ATTORNEY STRANG: Thank you, your Honor.
10 Good afternoon. This summer it will be 22 years, 22
11 years since a woman running on the beach in
12 Manitowoc was raped and beaten nearly to death. The
13 Manitowoc County Sheriff's Department investigated
14 those awful crimes and they charged Steven Avery
15 with rape and attempted murder on that Manitowoc
16 beach, 22 summers ago.

17 He said consistently that he was
18 innocent, that he had not done it. No one
19 believed him, no one but his own family believed
20 him.

21 And as that case was making its way
22 through the Manitowoc County Circuit Court, just
23 one county over, Teresa Marie Halbach was five
24 and was starting kindergarten. Somewhere else,
25 somewhere we don't know, a man named Gregory

1 Allen, presumably, was laughing and planning his
2 next violent rape.

3 Eleven years later, in 1996, Steven
4 Avery was trying, still, to make people
5 understand that he was innocent. DNA testing was
6 in its infancy. It was beginning to move into
7 courtrooms, out of scientific laboratories. But
8 we have come a long way, just a few years since
9 1996, and it was not as advanced as it is today.

10 But in 1996, Steven Avery took a chance
11 and had blood drawn, a little vial of blood. It
12 was sent off, through the help of his lawyers,
13 for early DNA testing. It couldn't clear him
14 entirely. It helped, but it did not conclusively
15 prove Steven Avery's innocence of the attempted
16 murder and rape on the Manitowoc beach.

17 And when the tests failed to prove him
18 entirely innocent, that blood was sent back, in a
19 box sealed with evidence tape, to the Manitowoc
20 County Clerk of Court. And there, in 1996, that
21 blood vial, sealed in the box with evidence tape,
22 took up residence in the now 11 year old file of
23 the 1985 case; in a box, in the open, in the
24 Manitowoc County Clerk of Court's Office. And
25 there it sat.

1 And in 1996, here, just a few miles
2 north of here, Teresa Marie Halbach was learning
3 to drive at age 16, I assume. And the irony --

4 Could you hear me before? Can you hear
5 me now?

6 THE COURT: We can hear you better now.

7 ATTORNEY STRANG: All right. Is it the
8 Verizon guy who says that?

9 Teresa was learning to drive, I assume,
10 at age 16. And the irony -- the irony is that
11 the blood vial in the Clerk's Office probably is
12 what ends up in her car, eventually.

13 And time moves forward, though, to 2002.
14 Science also has moved forward. DNA testing has
15 improved, and a new effort is made to exonerate
16 Steven Avery.

17 Now, the blood in the vial, in the box,
18 under the evidence tape, in the Clerk's Office,
19 is not, you will learn, what is used for the 2002
20 and 2003 DNA testing. But, some materials from
21 that box, that file, the overall file from the
22 1985 case, some are sent to the Wisconsin State
23 Crime Laboratory in Madison, to Sherry Culhane,
24 to whom Mr. Kratz introduced you.

25 And the person from the Manitowoc County

1 Sheriff's Department involved, low these many
2 years later, the department was, but a person
3 from the Manitowoc County Sheriff's Department
4 who documented the things that were sent from
5 that old court file to the Crime Laboratory and,
6 therefore, presumably looked at the box and
7 assisted in deciding what to send. That person
8 was, by that time, a lieutenant -- or a
9 detective, now a lieutenant, named James Lenk.

10 Now, Detective Lenk was with the
11 Manitowoc County Sheriff's Department, had his
12 office in the Sheriff's Department that adjoins,
13 or is connected by a small courtyard, to the
14 Manitowoc County Circuit Court and the Clerk's
15 Office, by a small courtyard to the south of the
16 courthouse. He was, as I say, a detective with
17 the Sheriff's Department. Today he is the
18 lieutenant of the detectives and leads the
19 Detective Unit.

20 He documented, in 2002, what was sent to
21 the State Crime Laboratory from that file. 2002
22 is the year that Teresa Halbach graduated from
23 the University of Wisconsin at Green Bay and came
24 home a short distance back, here to Calumet
25 County, to start off a promising career.

1 In 2003, nearly a year after the
2 necessary DNA samples were sent, the Wisconsin
3 State Crime Laboratory was able to establish that
4 Steven Avery did not rape and beat the woman on
5 the Manitowoc beach, as he had been saying all
6 along. And because of the advance of science,
7 the Crime Lab was better -- was able to do better
8 than that. It was able to establish that Gregory
9 Allen did.

10 Now, unfortunately, in the time that
11 passed, Mr. Allen had raped violently, again,
12 because he had his liberty while that man did his
13 time. But in the fall of 2003, as the weather
14 was cooling, the State of Wisconsin at long last
15 joined Steven Avery in a motion to set aside his
16 conviction, and an innocent man also went home.

17 Home for Steven Avery, home is the
18 salvage yard of which you have seen, now, many
19 glorious pictures, from up high, from down low,
20 from angles all over. The pictures are a good
21 deal more glorious looking than the salvage yard
22 itself, but this was home. It's the only home
23 that would take him back after this time.

24 Allen Avery, Steven's father, back there
25 in the working shirt, just as you might expect;

1 Allen Avery started that business nearly 40 years
2 ago on the 40 acres that he scrimped to buy. He
3 raised sons and a daughter. And they didn't
4 wander far from the business.

5 Chuck and Earl joined it, Barb works
6 elsewhere, works a factory job, but lives on the
7 property. And this is the sort of business where
8 the family, as you saw, shares the perimeter of
9 this property with the 4,000 rusting, decaying
10 cars that are the refuse, the wreckage of other
11 people's lives.

12 This is not a glamorous business, but it
13 is a necessary business. It is a good business.
14 And, yes, as you will learn, you have got to get
15 your hands dirty if you're going to be in the
16 salvage business. Not just dirty, you get your
17 hands bloody, because you are working with
18 rusted, jagged metal disassembling cars. And the
19 dirt that grinds into your palms and that you
20 find under your fingernails doesn't wash off at
21 night.

22 But this was his family's business and
23 this was home. And he rejoined his brother's,
24 Chuck and Earl; and his father, Allen; his
25 mother, Delores, on the family's property and at

1 the business. He became, again, one in the Avery
2 clan, one man in the Avery clan. And tried to
3 resume some normalcy of life, sharing the
4 perimeter of that salvage yard, not in a pretty
5 house in town, on a nice stone foundation, but in
6 a trailer home, down from his sister's trailer
7 home. Both of them down from the doublewide that
8 mom and dad have, and Chuck's trailer toward the
9 back, on the path toward the crusher.

10 And it is, although not glamorous, a
11 worthwhile business and it's work with its own
12 dignity. What would we do, if we didn't have the
13 salvage yards in which to find spare parts. I
14 guess we would be reliant entirely on the big
15 corporations that make the cars, to continue to
16 make spare parts for them and sell them at such
17 prices they might see fit.

18 So it would be pretty tough without the
19 Allen Averys and the Steven Averys of the world.
20 It would be pretty tough for the guy who is
21 restoring the 1968 Pontiac GTO hard top, in his
22 garage, to do that economically. It would be
23 pretty tough for the guy working on a 1965
24 Mustang convertible, in his spare time, to do
25 that.

1 Maybe more importantly, it would be
2 pretty tough for the woman who's got young kids
3 to feed, and a job to hold down, and medical
4 bills, and she just has to get another
5 50,000 miles out of that 1988 Oldsmobile. And
6 for these people, maybe for you, for many of us,
7 it's a good thing that that young woman's father,
8 or brother, or maybe she, can go to the salvage
9 yard and keep the 1988 Oldsmobile running a
10 little while longer.

11 Now, in 2003, when Steven went home,
12 Teresa Halbach also was home. Her photography
13 business was flourishing and things were going
14 reasonably well. In 2004, Steven Avery filed a
15 lawsuit seeking some recompense for the hole in
16 his life, the time he had spent as an innocent
17 man, for the crimes that Gregory Allen committed.

18 This was a serious lawsuit. It was in
19 federal court, down in Milwaukee, and there was
20 no question but that a Manitowoc County Sheriff's
21 Department and, in the end, the court system, had
22 gotten the wrong guy.

23 And as that lawsuit crept forward, as
24 lawsuits do, we came to October 2005. In October
25 2005, about the middle part of the month, James

1 Lenk and another ranking officer of the Manitowoc
2 County Sheriff's Department, Sergeant Andrew
3 Colborn, Mr. Lenk and Mr. Colborn both were
4 pulled into the lawsuit, not as defendants or
5 parties to the lawsuit, but as witnesses,
6 witnesses who had their depositions taken in the
7 middle of October, 2005.

8 Now, a deposition, typically in a civil
9 lawsuit, is an event where you get a subpoena as
10 a witness; you come normally to a lawyer's
11 office, the conference room, the library, the
12 lawyer's office; lawyers from both or all sides
13 are there.

14 A court reporter is there; these days
15 often a videographer as well. And the court
16 reporter swears the witness under oath, the
17 lawyers ask questions of the witness under oath
18 and they are recorded, much as Mrs. Tesheneck is
19 recording what we're saying here. There's no
20 judge; it happens, as I say, typically in a
21 lawyer's office.

22 And these two men, Lenk and Colborn,
23 were witnesses. They were witnesses about their
24 own conduct. Neither had been with the Manitowoc
25 County Sheriff's Department in 1985, but an event

1 in 1995 or 1996 came up in that lawsuit. And as
2 to that event, both of them were witnesses being
3 questioned about their own activity and conduct
4 with respect to Mr. Avery's imprisonment.

5 By the end of that month, unfortunately,
6 those depositions would begin to matter. And
7 indeed, from the time it was filed in 2004, you
8 will learn, the lawsuit itself mattered. This
9 sort of lawsuit, or the public cry of the
10 innocent man wrongly convicted and imprisoned has
11 to be, as you will see here I think, it has to
12 be, as you get into the heads of law enforcement
13 and begin to understand the process of law
14 enforcement, this kind of thing has to be a
15 nightmare for every good law enforcement officer.

16 These folks do not want to put innocent
17 people in prison. They want to put guilty people
18 in prison. And when they get it wrong, when the
19 whole system gets it wrong, there understandably
20 are feelings of shame, of embarrassment, anger,
21 humiliation, conflicting feelings about this.

22 This is a good cops worst nightmare,
23 made all the more worse by the fact that Gregory
24 Allen, free, thanks to Steven Avery being
25 convicted instead, Gregory Allen went on to rape

1 and beat again.

2 This lawsuit kindled real difficult
3 emotions. And the focal point of those emotions,
4 naturally, was the Manitowoc County Sheriff's
5 Department which had investigated the rape many
6 years ago on the Manitowoc beach.

7 And so when October 31, 2005, Halloween,
8 rolls along, Lieutenant Lenk and Sergeant Colborn
9 not only have the lawsuit to contemplate, but
10 now, within the last three weeks, have been made
11 witnesses in it and had their depositions taken.

12 October 31, 2005, began at the Avery
13 Auto Salvage Yard, much as any workday would.
14 This was a Monday, the yard was open. Not long
15 after 8:00 in the morning, about 8:12 in the
16 morning, Steven Avery called *Auto Trader* down
17 in -- actually I think in Hales Corners, Highway
18 100 down on the southwest side of Milwaukee,
19 called *Auto Trader*, as he had done a number of
20 times before, and said, we need a photographer,
21 we have a car for sale.

22 Now, the car belonged to Barb Janda, the
23 van, the mini van you saw computer images of and
24 actual photographs of. It was there. It was
25 hers. It was for sale. I don't expect there

1 property, the gravel quarry to the south, we
2 can't rule out other possible burn sites. And an
3 expert won't be able to tell you what other
4 possible burn sites there are. Expert or not,
5 that's not something he or she will be able to
6 tell you.

7 But once it's more likely, as I think
8 you will find it to be more likely, that the body
9 is burned somewhere else and bone fragments then
10 are brought to Steven Avery's burn area, then
11 he's not guilty. Because if he's the one who
12 burned the body somewhere else, he's not going to
13 bring the bones back to dump them 20 yards
14 outside his bedroom window.

15 Neither is he going to dump a cell phone
16 and a digital camera and a palm pilot in his own
17 burn barrel. Too many other places where these
18 things could be disposed of out in the salvage
19 yard, whether the retention pond, whether the
20 gravel quarry, or some other burn barrel in the
21 woods. So once you understand that those bones
22 probably were not burned in that burn area, the
23 fact that they are found there, you will see
24 tends to suggest he's not guilty, not that he is.

25 It is perfectly clear to anyone around

1 this investigation on whom the focus of the
2 Manitowoc County Sheriff's Department and the
3 other investigators, to the extent that tunnel
4 vision, that investigative bias bled over, it's
5 perfectly clear on whom the focus of this
6 investigation is.

7 The police didn't kill Teresa Halbach,
8 obviously, they have that in common with Steven
9 Avery, but they wanted to believe he did. They
10 very much wanted to believe that he did. And
11 whoever did kill her, or burned that body,
12 exploited that tunnel vision pretty skillful.

13 Suggesting this sort of tunnel vision,
14 suggesting this kind of investigative bias,
15 planting blood in her car, fairly serious
16 allegations to make. In fact, I will take away
17 the fairly, they are serious allegations.
18 Understand them, that bias and tunnel vision are
19 human anomalies.

20 And if you conclude, reluctantly, that
21 Mr. Lenk or Mr. Colborn, in addition to all the
22 other interests they took in searching and
23 focusing on Steven Avery, planted blood in her
24 car, you will also conclude that they put it
25 there because they figured it had to be there.

1 It should be there. It must be him.

2 This wasn't so much, I think the
3 evidence will show you, an effort to frame an
4 innocent man, it was an intense, intense desire
5 to conclude that he, in fact, was the guilty man;
6 all other possible leads for information not
7 withstanding. It was an immediate focus on this
8 man, starting shortly after 11:00, Saturday,
9 November 5, 2005. But you do not have to take my
10 word for that.

11 I can make this work; I'm not as adept
12 at it as I should be. I'm going to play for you,
13 two tapes, a part of it, just excerpts, short
14 excerpts of two tapes.

15 The first one is Saturday, November 5,
16 2005, at 11:35 in the morning, 35 minutes give or
17 take a minute or two, after the Manitowoc County
18 Sheriff's Department first has arrived at the
19 Avery property, because that Toyota has been
20 found; well before the police say they opened the
21 Toyota; well before they say they knew of any
22 blood; well before Brutus, the friendly cadaver
23 dog comes along and hits; 35 minutes after the
24 first officers arrived when the Sturm's called
25 and said, hey, we think we found something.

1 What I'm going to do is scroll through a
2 transcript that we prepared and then I will play
3 the excerpt of the tape for you. It is not a
4 great recording. The transcript is not evidence,
5 the tape will be, I expect. So if you think my
6 transcript is wrong, listen to the tape; it's the
7 evidence, or it will be. That's the tape that
8 matters. The transcript may help you in
9 understanding it or hearing it.

10 Detective Remiker is calling in, he's
11 asking for dispatch. Dispatch responds, I put
12 unintelligible, I think it's go ahead, but I'm
13 not sure, you can decide. Maybe you won't
14 understand it for sure either.

15 Detective Remiker says to the
16 dispatcher, you will need to get ahold of the
17 Crime Lab for their evidence response team to
18 start responding to this location. Now, he's out
19 at the Avery Salvage Yard. As you will hear.
20 Dispatch says, 10-4, Crime Lab out of Madison,
21 Milwaukee, where?

22 Our Crime Lab has branches in Wausau,
23 Madison and Milwaukee. The main one is in
24 Madison. Detective Remiker says, it's going to
25 be the Madison response team and he was right.

1 Now, Detective Jacobs joins in, this
2 radio traffic, radio conversation. Calls in with
3 his badge number, his squad number, I'm in code,
4 you will find out what that means, anything you
5 need other than a portable for Schetter. And
6 what you'll find out is he's talking about a
7 portable radio for Deputy Inspector Greg Schetter
8 of the Manitowoc County Sheriff's Department who
9 is, I think, the number two or three ranking
10 officer in the Department and who's probably also
11 going out to the Avery property. Detective
12 Remiker, not that I can think of right now,
13 Dennis. Dennis Jacobs. Let's see if this work.

14 (Tape recording played.)

15 DETECTIVE REMIKER: Yeah, need to get a
16 hold of the Crime Lab for their evidence response
17 to start responding at this location.

18 DISPATCH: 10-4. Crime Lab out of
19 Madison, Milwaukee, where?

20 DETECTIVE REMIKER: Madison response
21 team.

22 DETECTIVE JACOBS: 278, I'm in code,
23 anything you need other than a portable for
24 Schetter.

25 ATTORNEY STRANG: It cut off. Sorry about

1 that, you will hear -- You will get a chance to hear
2 the whole conversation. And it continues, Dennis
3 Jacobs says, okay, other than the car, do we have
4 anything else. He's talking to Remiker here. Dave
5 Remiker says, not yet. Detective Jacobs, Okay. Is
6 he in custody? Detective Remiker, Negative, nothing
7 yet.

8 Not who, not is who in custody, but
9 negative. He is not in custody, nothing yet.
10 Detective Jacobs, Okay. I'll gather my stuff and
11 head out.

12 (Tape recording played.)

13 DETECTIVE JACOBS: Okay. Other than the
14 car do we have anything else?

15 DETECTIVE REMIKER: Not yet.

16 DETECTIVE JACOBS: Is he in custody?

17 DETECTIVE REMIKER: Not yet, nothing
18 happening.

19 DETECTIVE JACOBS: Okay. I will gather
20 my stuff and head out.

21 ATTORNEY STRANG: Now, that's 11:35, is he
22 in custody yet. Detective Remiker, clearly, I
23 gather, as I hear it, knows who Detective Jacobs is
24 talking about, but we don't, 35 minutes after the
25 police have arrived.

1 And to get a better feel for that
2 conversation at 11:35, we have to go back five
3 minutes earlier when Detective Jacobs is calling
4 in on the land line, 5 minutes earlier, 30
5 minutes, 30 minutes after the police have arrived
6 at the Avery property after Teresa's car has been
7 found there.

8 Dispatcher answers the phone. Detective
9 Jacobs, Katie -- the name of the dispatcher --
10 just rolled into the parking lot. Can you tell
11 me, do we have a body or anything yet? Do we
12 have a body or anything yet? This is 30 minutes
13 after they found the car.

14 I don't believe so. I believe they
15 wouldn't find the first bone fragment for three
16 days. Do we have Steven Avery in custody,
17 though? I have no idea. You can hear it
18 yourself.

19 (Tape recording played.)

20 DISPATCH: Good morning. Manitowoc
21 County Sheriff's Department, Katie speaking.

22 DETECTIVE JACOBS: Katie, I just rolled
23 into the parking lot. Can you tell me, do we
24 have a body or anything yet?

25 DISPATCH: I don't believe so.

1 DETECTIVE JACOBS: Do we have Steven
2 Avery in custody?

3 (Tape recording starts playing again.)

4 DISPATCH: Good morning. Manitowoc
5 County Sheriff's Department, Katie speaking.

6 DETECTIVE JACOBS: Katie, I just rolled
7 into the parking lot, can you tell me do we have
8 a body or anything yet?

9 DISPATCH: I don't believe so.

10 DETECTIVE JACOBS: Do we have Steven
11 Avery in custody at all?

12 DISPATCH: I have no idea.

13 ATTORNEY STRANG: Now, I will finish it out
14 so you can link it up to the call -- the discussion
15 with Detective Remiker 5 minutes later. Oh, I heard
16 him say pick up that party. Oh no, the dispatcher
17 says, Pete, who is just another Manitowoc County
18 Sheriff's officer, is sitting up there waiting and
19 stopping people from going in and that. He found
20 someone with a body only warrant for our department.

21 A body only warrant is an arrest warrant
22 or a bench warrant where they are going to take
23 the person into custody, rather than immediately
24 grant him bail. Okay. Do we have -- All right.
25 I will talk to Remiker. Yeah, your best bet is

1 to talk -- because nothing has come through. We
2 have the vehicle, that I know. But more than
3 that, I don't know. All right. Bye. Bye.

4 (Tape recording played.)

5 DETECTIVE JACOBS: Oh, I heard him say
6 pick up that party.

7 DISPATCH: Oh, no. We have -- Well,
8 Pete is sitting up there waiting and stopping
9 people from going in and that. He found somebody
10 with a body only warrant for our department.

11 DETECTIVE JACOBS: Okay. Do we have --
12 All right. I will talk to Remiker.

13 DISPATCH: Yeah, your best bet is to
14 talk to -- Nothing has come through. We have the
15 vehicle, that I know.

16 DETECTIVE JACOBS: All right. Thank
17 you.

18 DISPATCH: But what more, I don't know.
19 All right. Bye.

20 DETECTIVE JACOBS: Bye.

21 ATTORNEY STRANG: So you can take the
22 tunnel vision and investigative bias from them, not
23 from me. Now, in the end here, in the end, when you
24 have heard it all, there's not a speck of Teresa
25 Halbach's blood anywhere in Steven Avery's trailer.

1 There's not a piece of hair, nothing, nothing to
2 suggest she's ever been in the trailer. And only
3 the magic bullet found 4 months later to suggest
4 she's ever been anywhere near the garage.

5 And when you consider the forces, the
6 emotions, the very human failings at work here,
7 it's no surprise that the blood from that
8 unsecured vial, in the box, in the Clerk's
9 Office, that Lieutenant Lenk examined back in
10 2002, ends up in that Toyota. Because that's
11 where it ought to be. Is he in custody yet?

12 Jerome Buting and I will not ask you to
13 make that kind of snap judgment here. The
14 Halbachs deserve better than that. The police
15 deserve better than that. You owe it to
16 yourselves, in making this decision, to do better
17 than a snap judgment, a snap judgment 30 minutes
18 after that Toyota is found.

19 Jerome Buting and I are going to ask you
20 to do your job right. Think long and hard about
21 all of the evidence. But in the end, after the
22 full and fair consideration of everything and
23 everyone, the full and fair consideration that
24 Steven Avery did not get in 2005, from the
25 Manitowoc County Sheriff's Department; we're

1 going to ask you to send him home. We're going
2 to ask you to send him home, again. We're going
3 to ask you to get it right this time. We're
4 going to ask you to set it right when this case
5 is over.

6 THE COURT: Thank you, Mr. Strang. Members
7 of the jury, we're going to take an afternoon break
8 now. We'll resume in 15 minutes and the State will
9 begin the presentation of evidence. I will remind
10 you again, as I will a number of times throughout
11 the trial, do not discuss the case during the break
12 or at any other time until all the evidence has been
13 received.

14 (Jury not present.)

15 THE COURT: All right. Counsel, we should
16 be ready to go promptly at 2:45.

17 (Recess taken.)

18 THE COURT: At this time the State may call
19 its first witness.

20 ATTORNEY KRATZ: State will call Mike
21 Halbach, your Honor.

22 THE CLERK: Please raise your right hand.

23 **MICHAEL D. HALBACH**, called as a witness
24 herein, having been first duly sworn, was
25 examined and testified as follows:

1 THE CLERK: Please be seated. Please state
2 your name and spell your last name for the record.

3 THE WITNESS: Michael Daniel Halbach,
4 H-a-l-b-a-c-h.

5 **DIRECT EXAMINATION**

6 BY ATTORNEY KRATZ:

7 Q. Mr. Halbach, did you know a young woman by the
8 name of Teresa Halbach?

9 A. I did.

10 Q. Describe, who was Teresa, please.

11 A. Teresa was -- or is my sister. She was born on
12 March 22nd, 1980. Grew up with my family on a
13 dairy farm near Hilbert.

14 She loved travel; she had been to Spain,
15 Mexico, New Zealand, Australia.

16 She had many friends. She loved doing
17 things with her friends. She was a good friend
18 of mine, as well.

19 She was my big sister, someone I could
20 go to talk to about any problems I would have.
21 We would go to lunch, talk about her business
22 which she ran, called Photography by Teresa.

23 And in August of 2005, she coached her
24 sister's 7th grade volleyball team to second
25 place in their league. So I know that that's

1 something she really loved doing, was working
2 with those kids. That was the main focus of her
3 photography business as well.

4 And she graduated from the University of
5 Wisconsin, Green Bay, in 2002, major in
6 photography and she graduated summa cum laude.

7 Q. I'm going to hand you a couple of exhibits.
8 First exhibit is that which is marked as Exhibit
9 No. 1. Could you tell us what that is, please.

10 A. It's a photo of Teresa.

11 Q. Do you know when that photo was taken?

12 A. Not exactly, but by the looks of it, it was
13 fairly recent. I would say 2005.

14 Q. Does that particular photo accurately depict your
15 sister, Teresa, and as it did the last time that
16 you saw her?

17 A. Yes.

18 Q. By the way, when was the last time that you saw
19 her; do you recall?

20 A. The last time I saw my sister was October 30th,
21 2005, the day before she went missing. We were
22 at my grandparents house. It was my grandpa's --
23 Halloween was my grandpa's birthday. And the day
24 before we went to their house, the entire family
25 was there, aunts, uncles.

1 Q. Mr. Halbach, I'm sure we'll get better at this
2 with the jury, but I'm going to direct your
3 attention to the large screen in the courtroom,
4 is that another version or a larger version of
5 what's been marked as Exhibit No. 1?

6 A. Yes, it is.

7 Q. You mentioned that Teresa was part of your
8 family, can you tell us who else was involved in
9 your immediate family, please?

10 A. I have an older brother, Tim; and then Teresa
11 would be the second oldest; myself; and two
12 younger sisters, Katie and Kelly; parents, Tom
13 and Karen.

14 Q. Directing your attention to Exhibit No. 2, I'm
15 also putting that on the screen for the jury; can
16 you tell us what that is, please.

17 A. It's a photo we took outside my parents farm. I
18 believe it was in 2004, that summer, early fall.
19 It's a photo we used for our Christmas cards that
20 year. And it's a photo of my family.

21 Q. And as you are pointing to Exhibit No. 2, please,
22 could you tell us, or tell the jury, who all is
23 in that photo?

24 A. Tom, Teresa's, I guess legally would be her step
25 dad, standing in the back with the jean shirt; to

1 his left is, Katie, younger sister; and to her
2 left is Kelly, the youngest of the family. In
3 front from left to right is the oldest brother,
4 Tim; and then my mom, Karen; then myself holding
5 our dog, Eddy; and Teresa is on the end.

6 Q. All right. How often would you get to see
7 Teresa; how often would you interact with her?

8 A. Every few days I would probably talk to her
9 either on the phone, or if it was a weekend, we
10 would probably see each other, if I was at my
11 parent's house if she would stop over during the
12 week, or over the weekend. So I would see her --
13 see her or at least talk to her every three days
14 or so.

15 Q. Are you familiar with Teresa's electronic devices
16 that she owned?

17 A. Yes, I am.

18 Q. Could you tell us about those, please.

19 A. She owned a cell phone, a Motorola RAZR, and I
20 know this because she talked on it a lot. She
21 also had a palm pilot. I believe it was -- the
22 brand was Palm 1, I believe.

23 She had tons of photography equipment,
24 obviously. Hasselblad is one camera; Canon is
25 another; and through one of her jobs she had a

1 little snapshot camera for the job. She worked
2 through *Auto Trader Magazine*. She had this
3 little snapshot camera to do that job.

4 Q. Do you know what kind of vehicle Teresa drove?

5 A. It was a Toyota RAV4. It was bluish-green in
6 color.

7 Q. We're going to have the actual photo marked as an
8 exhibit, but I'm going to direct your attention
9 up to the large screen. Could you tell us what
10 it is we're looking at there.

11 A. Could you repeat that.

12 Q. Sure, I'm about to have this photo made part of
13 the -- or to complete the record, but could you
14 tell us and can you look at the large screen and
15 tell us what it is that we're looking at.

16 A. That's Teresa holding one of her cameras she had
17 with her professional photography business,
18 standing outside the driver's side door of her
19 Toyota RAV4.

20 Q. Mr. Halbach, could you -- regarding Teresa's
21 RAV4, could you tell us how often you had contact
22 with that vehicle?

23 A. I would say I have ridden in it a few times, but
24 I would see it whenever I saw her. It was her
25 only vehicle, so when she would drive it or when

1 she would drive around, she would be in that
2 vehicle. So I was very familiar with it and had
3 ridden in it a few times.

4 Q. Teresa's license plate said -- as you sit here
5 today, did you know or were you familiar with
6 what Teresa's license plates were?

7 A. Yes, I was.

8 Q. And how are you familiar with that?

9 A. One of Teresa's jokes and how she remembered her
10 license plate, her license plate numbers -- or
11 letters and numbers were SWH-582. She remembered
12 those letters because she would joke that it
13 stood for single white Halbach.

14 (Exhibits No. 3 & 4 marked for identification.)

15 Q. Mr. Halbach, I provided you with two exhibits
16 Exhibit No. 3 and Exhibit No. 4, can you tell us,
17 though, what those are, please?

18 A. Pictures of Teresa's license plate.

19 Q. And which one of them has the sticker on it.

20 A. Exhibit No. 3.

21 Q. All right. Just so the jury is shown Exhibit
22 No. 3, I'm going to direct your attention to the
23 large screen, again; what is it that we're
24 looking at?

25 A. Teresa's license plate?

1 Q. SWH-582, is that right?

2 A. That's correct.

3 THE COURT: Excuse me, Mr. Kratz, just for
4 the record, I think the photo of Teresa Halbach with
5 the RAV4 was referred to as an exhibit, but we
6 haven't marked it yet; are you still looking for the
7 original?

8 ATTORNEY KRATZ: We are, Judge. Although
9 we have the original, Judge, we'll be referring to
10 it either with this witness or the next witness who
11 also has familiarity with that.

12 THE COURT: Just, I think, to keep the
13 record straight, it should be reflected that while
14 it may have been referred to as an expected exhibit
15 number, it has yet to be numbered.

16 ATTORNEY KRATZ: All right, judge.

17 THE COURT: You may proceed.

18 Q. (By Attorney Kratz)~ And the other vehicle, or
19 what I guess would be considered the front
20 license plate, you said that was Exhibit No. 4;
21 is that right?

22 A. Yes, that's correct.

23 Q. And I have now directed your attention to that on
24 a large skween -- screen, excuse me, once again,
25 Exhibit No. 4, the large screen photo here,

1 accurately reflects Exhibit No. 4; is that
2 correct?

3 A. Yes, it does.

4 Q. All right. I have now handed you what's been
5 marked for identification as Exhibit No. 5, tell
6 us what that is, please.

7 A. It is the picture we looked at not too long ago
8 with Teresa standing outside the driver side of
9 her Toyota RAV4.

10 Q. Just for the record, Exhibit No. 5, then, would
11 be the image that we're looking at on the screen
12 now; is that correct?

13 A. Yes.

14 Q. All right. By the way, Mr. Halbach, did you have
15 an idea as to when this photo was taken? Did I
16 ask you this?

17 A. You didn't ask me that. I mean, I would guess
18 sometime maybe 2004, maybe early 2005.

19 Q. I guess the question that the jury needs to know
20 is, was this Toyota RAV4, the vehicle in which
21 your sister is standing in front of, the same
22 vehicle that she was driving at the end of
23 October of 2005?

24 A. Yes, it is.

25 Q. You mentioned that Teresa was involved in the

1 photography business; can you tell us about that
2 a little bit?

3 A. Yeah, through college she developed a passion for
4 photography and, hence, why she declared that as
5 her major. I would say her sophomore and junior
6 year she worked at Bay Park Square Mall in Green
7 Bay at Picture People taking photos of children,
8 mainly families.

9 After she got done doing that, during
10 her last semester at Wisconsin, Green Bay, she
11 started this internship with Tom Pearce of Pearce
12 Photography in Green Bay, doing many of the same
13 things, taking pictures of children, families,
14 some, and also doing weddings on the weekends.
15 So she continued working with him and then later
16 on in 2002, she started her business, which she
17 named Photography by Teresa, which continued up
18 until Halloween of 2005.

19 Q. Now, you indicated that you are familiar that at
20 least one of her clients was *Auto Trader*
21 *Magazine*; is that what you told us?

22 A. Yes, that's correct. She in, I think it was
23 October of 2004, she started working for *Auto*
24 *Trader Magazine* as a way to supplement her income
25 for her professional business. Since she was

1 just starting out with her own business, she
2 wouldn't always have clients. So. Yeah, just as
3 a way to have some steady income, she got this
4 job with the *Auto Trader Magazine* to take
5 pictures of vehicles in people's yards, that they
6 were selling themselves.

7 Q. First photo I'm showing you has been marked as
8 Exhibit No. 7, can you tell us what that is,
9 please?

10 A. Exhibit No. 7 is Canon PowerShot A310; it's the
11 box for the Canon camera. It's not the camera
12 itself.

13 Q. And, once again, were you familiar that that was
14 one of the cameras that Teresa had used in her
15 employment?

16 A. Yes, I am, in her employment with *Auto Trader*,
17 yes.

18 Q. The other exhibit, I think it was Exhibit No. 6;
19 is that correct?

20 A. That's correct.

21 Q. Can you tell me what that is, please?

22 A. It's a box for a Palm 1 Zire 31 palm pilot.

23 Q. And, once again, the large screen, does that
24 accurately depict the box, again, recovered from
25 your sister's home, the box that she saved for

1 her palm pilot?

2 A. Yes, it does.

3 Q. Was your sister kind of a pack rat; did she save

4 this kind of stuff?

5 A. Having gone through her stuff, yeah, she saved a

6 lot of stuff, yes.

7 Q. Was your sister married?

8 A. No, she's not.

9 Q. Who did she live with?

10 A. She lived with a friend of hers from high school,

11 named Scott Bloedorn. He lived in the upstairs

12 of the apartment -- or of the house she was

13 renting from my parents.

14 Q. How close was this to your parents' house?

15 A. Down the road a short ways, eighth mile, roughly

16 quarter mile. Not too far.

17 Q. Okay. Mike, did you ever have an opportunity to

18 see or talk with your sister as she either went

19 to work for the *Auto Trader Magazine* or as she

20 went to work at her own studio?

21 A. As she went there?

22 Q. Yes. In other words, were you familiar with how

23 she dressed to go to work?

24 A. Yes.

25 Q. Can you tell us about that.

1 A. She would always dress professionally, especially
2 when she was going to her professional
3 photography business, you know, black pants, a
4 nice shirt. And if she happened to be doing *Auto*
5 *Trader* that same day, she would go in those same
6 clothes.

7 But if it was -- if she wasn't going to
8 her job that day, she would dress comfortably,
9 not necessarily in professional clothes, but nice
10 clothes nonetheless. Might be a nice pair of
11 jeans and a nice shirt or, you know, maybe khakis
12 and a shirt, sweatshirt.

13 Q. Mike, as long as we have the photos, again, what
14 we're looking at here, that's a picture -- which
15 picture is that, No. 6?

16 A. That is Exhibit No. 6.

17 Q. We're going to have the actual exhibit marked so
18 that we don't just have a photo of it?

19 ATTORNEY KRATZ: Janet, is that going to be
20 No. 8?

21 THE CLERK: Yes.

22 (Exhibit No. 8 marked for identification.)

23 ATTORNEY KRATZ: Mr. Wiegert, could you
24 provide that to the witness.

25 Q. (By Attorney Kratz)~ Mr. Halbach, we're showing

1 you what's marked for identification as Exhibit
2 No. 8; can you show the jury and tell them what
3 that is, please?

4 A. This is the same box as in the Exhibit No. 6,
5 it's the box for Teresa's Palm 1 Zire 31 palm
6 pilot.

7 Q. And if I'm not mistaken, Exhibit No. 7, I think,
8 was the box for the Canon PowerShot A310; is that
9 right?

10 A. That's correct.

11 Q. We're going to have that box, actually, marked
12 for identification as Exhibit No. 9.

13 (Exhibit No. 9 marked for identification.)

14 Q. Once, again, Mr. Wiegert will be providing that
15 to you. If you could show it to the jury and
16 tell them what Exhibit No. 9 is, please?

17 A. Exhibit No. 9 is the box for the Canon PowerShot,
18 the A310, that Teresa used for her *Auto Trader*
19 job.

20 Q. Once again, after your sister's disappearance and
21 after investigators began contacting you,
22 specifically, and your family, these items were
23 found in her personal effects and turned over; is
24 that right?

25 A. That's correct.

1 Q. Can you tell me who Pam Sturm is?

2 A. Pam Sturm, to me, would be my first cousin once
3 removed. She would be my grandma's sister's
4 daughter.

5 Q. Okay. The involvement of Pam and her daughter,
6 Nikole, after your sister was missing, could you
7 describe that for the jury?

8 A. You said her involvement?

9 Q. Yes.

10 A. Pam Sturm was the person who ended up finding
11 Teresa's vehicle on the Avery salvage yard. I
12 recall coming home that day, after I had been
13 with my brother driving, in her -- being inside
14 my parents' house crying and my mom telling me
15 that we found the vehicle -- or Pam found the
16 vehicle, Pam and her daughter, Nikole. So, I
17 guess that would be her involvement.

18 Q. All right. Let's go back just a little bit,
19 Mike, if we can. After your mom reported your
20 sister missing on the 3rd of November, how was it
21 that you were informed of that?

22 A. On Thursday, November 3rd, I was working. I got
23 a call from my mom that afternoon at about 2:00
24 or 2:30 wondering if I knew where -- or if I had
25 talked to my sister in the previous, you know,

1 since Sunday. And I said that I hadn't.

2 And so I went on to call one of Teresa's
3 good friends at her work and asked her if she had
4 known where Teresa could be. Because it was
5 completely unlike her to go somewhere without
6 telling anyone, especially a family member, a
7 good friend, her roommate, or her boss.

8 So, I guess after we made those calls it
9 became very evident to me that something was
10 seriously wrong and I expressed that to my mom.
11 Then shortly after -- and she was, you know, she
12 was in agreement, obviously; she knew something
13 was wrong, just like everyone else did.

14 Q. Did the family ask for some assistance and did
15 you receive it from some of Teresa's friends
16 regarding searching for her?

17 A. In searching for her we, you know, all we had to
18 do was make a couple phone calls to some of
19 Teresa's friends and they would call numerous
20 other people. We needed help passing -- passing
21 out posters on Friday, November 4th and also
22 doing searches by car on Saturday, the 5th and
23 doing searches by foot a few days following that.
24 So, whenever we needed help, we had help from
25 Teresa's friends, family members, community